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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,948	09/16/2003	Shingo Yamauchi	Q76525	1500
23373 SUGHRUE MI	7590 07/11/2007 ON, PLLC	EXAMINER		
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MAUST, TIMOTHY LEWIS	
			ART UNIT	PAPER NUMBER
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			07/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exeminate of time may be available under the provision of 37 CFR 1.13(e). In oevent, however, may a reply be timely fired after 60% (6) MONTHS from the mailing date of this communication of 37 CFR 1.13(e). In oevent, however, may a reply be timely fired after 60% (6) MONTHS from the mailing date of this communication. Failur to reply vicelyhed by the Office later than three months after the mailing date of this communication. A reply received by the Office later than three months after the mailing date of this communication. Period of the communication of the open and th		Application No.	Applicant(s)					
Timothy L. Maust - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Examination for the time may be emailed under the provincion of 37 CFR 1-18/61, in no event, however, may a reely be timely filed. If NO period for reely is specified above, the maintain statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. - Fasher to reply which the set or exerted period for regive layer thinks, cause the application become ABANDONE(C) SUL S. C. § 1130. Are triply received by the Cifice list than the months after the maining date of this communication, even if timely filed, may reduce any statute plant men suplament, Set 37 CFR 1-78/19. Status Status - Status	Office Action Summers	· /						
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estatement of time may be available under be provious of 37 CFI 1130(b). In no event, however, may arely be timely filled in the provious of 37 CFI 1130(b). In no event, however, may arely be timely filled in 1900 period for reply is specified above, the maximum statutory parod will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failurs to reply which he set or extended period for rejet will be stated to repet and the provious of particular time application. Failurs to reply within the set or extended period for rejet is specified above, the maximum statutory parod will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failurs to reply within the set or extended period for rejet will. It is stated to the communication, even if timely filed, may reduce any sevent particular time application. Status Status Status This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.2.13.16 and 18.21 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. Claim(s) 1.13.18 and 19 is/are rejected. 7) Claim(s) 1.13.18 and 19 is/are rejected. 7) Claim(s) 1.13.18 and 19 is/are rejected to Claim(s) 1.13.18 and 19 is/are are rejected. 8) The specification is objected to by the Examiner. Applicant may not request that any objection of the drawing(s) be held in abeyance. See 37 CFR 1.85(e). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declara	Office Action Summary	Examiner	Art Unit					
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Attachment(s)								
	* See the attached detailed Office action for a list of the certified copies not received.							
) U Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)	Attachment(s)							
Daniel Control of the								
Paper No(s)/Mail Date 6) Other:								

Application/Control Number: 10/662,948

Art Unit: 3751

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 13, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al.

In regard to claims 13 and 19, the Kobayashi et al. reference discloses a "system" (Figure 1) for preparing one or more materials in a batch process for use in a following downstream process, the system comprising:

"means for calculating" (a collective liquid preparation program) a necessary amount of the material for the following process; and

"means for allocating" (3a-3h, i.e. measuring units) the calculated amount of the material to following predetermined number of batches if the calculated necessary amount is less than a predetermined amount. The predetermined amount would have to be less than the capacity of pot 5a and more than a minimum amount of zero, as claimed.

In regard to claim 19, it stands to reason that a next batch can't be prepared until it is calculated.

In regard to claims 1 and 18, the method would be inherent during normal use and operation of the device.

Allowable Subject Matter

Claims 2, 14-16, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 4/26/07 have been fully considered but they are not persuasive. In response to Applicant's argument that Kobayashi doesn't disclose the calculated necessary amount being less than a predetermined amount, see the following. The prescribed quantities measured and added to the pot would inherently have to be of a lesser value than the volume of the pot itself. Otherwise, prescribed amounts added to the pot would possibly be a larger amount than the volume of the pot and would overflow. Therefore, there is an inherent predetermined value of the size or volume of the pot being used and the quantity of material added to the pot would inherently be less than the predetermined volume of the pot, as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 6:30 - 5:00.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/ Primary Examiner Art Unit 3751

TLM 6/25/07